

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION**

Coushatta Tribe of Louisiana

Civil Action 07-1886

versus

Judge Tucker L. Melançon

Jack Abramoff, et al

Magistrate Judge C. Michael Hill

MEMORANDUM ORDER

Before the Court are appeals from the July 31, 2009 order of the magistrate judge denying the motions for an order directing the resumption of defendant Michael Scanlon's deposition filed by Liberty Mutual Insurance Europe Ltd., Columbia Casualty Company, Lexington Insurance Company UK, Lexington Insurance Company USA, Certain Underwriters at Lloyds London Syndicate 33, Certain Underwriters at Lloyds London Syndicates 623 & 2623 [Rec. Doc. 197], Max Bermuda Ltd. [Rec. Doc. 199], S R International Business Co. S E [Rec. Doc. 200], and Arch Specialty Insurance Company [Rec. Doc. 204] (collectively referred to as "Insurer Defendants"). Also before the Court is Greenberg Traurig LLP's opposition to the appeal [Rec. Doc. 207].

Rule 72(a) of the Federal Rules of Civil Procedure governs the review of Magistrate Judge orders by district court judges. Rule 72(a) provides in pertinent part that:

"[w]ithin 10 days after being served with a copy of the magistrate judge's order, a party may serve and file objections to the order....The district judge to whom the case is assigned shall consider such objections and shall modify or set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law."

Fed.R.Civ.P. 72(a).

In applying this "clearly erroneous or contrary to law" standard, a district court shall affirm the decision of the magistrate judge unless, based on all of the evidence, the court is left with

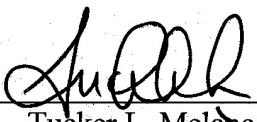
a definite and firm conviction that the magistrate judge made a mistake. *Uviedo v. Steves Sash & Door Co.*, 738 F.2d 1425 (5th Cir. 1984) (citing *United States v. United States Gypsum Co.*, 333 U.S. 364 (1948)).

Upon reviewing the Magistrate Judge's July 31, 2009 Ruling, *R. 195*, and the entire record before the Court, the Court concludes that the Ruling reflects a thorough and well-reasoned opinion applying the appropriate legal standards to the issues raised and is without any clear error. Accordingly,

IT IS ORDERED that the Magistrate Judge's Ruling of July 31, 2009 is AFFIRMED and the Insurer Defendants' motions [Rec. Doc. 197, 199, 200] are DENIED.

IT IS FURTHER ORDERED that, pursuant to the Court's September 22, 2008 Order granting the Insurer Defendants' Motions to Stay this litigation and to Compel Arbitration, *R. 155*, the Clerk of this Court is to administratively terminate this action in his records, without prejudice to the right of the parties to move to reopen the proceedings within thirty (30) days of the date the Arbitrator renders a decision in this matter. This order shall not be considered a dismissal or disposition of this matter, and should further proceedings in it become necessary or desirable, any party may initiate it in the same manner as if this order had not been entered.

Thus done and signed this 21st day of September 2009 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE